

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS *2015 OCT 22 PM 6:51*  
AMARILLO DIVISION

DEPUTY CLERK *[Signature]*

JUSTIN BORUM, and CHELSEA  
RUSHING, individually and as heirs-at-  
law to the ESTATE OF TERRY BORUM,  
and GRADY BORUM,

Plaintiffs,

NO. 2:14-CV-00127-J

v.

SWISHER COUNTY,

Defendant.

**VERDICT OF THE JURY**

We, the jury, have unanimously agreed to the answers to the attached questions and return such answers in open court, and under the instructions of the Court, as our verdict in this cause.

*Carrey Skinner*  
\_\_\_\_\_  
FOREPERSON

*10/22/2015*  
\_\_\_\_\_  
DATE

**Americans With Disabilities Act (ADA)**

**QUESTION NO. 1**

Did Plaintiffs prove by a preponderance of the evidence that Swisher County failed to reasonably accommodate either of Terry Borum's disabilities.

Answer "Yes" or "No."

Yes

**QUESTION NO. 2**

Do not answer this question unless you answered "Yes" to Question No. 1.

Did Plaintiffs prove by a preponderance of the evidence that any Swisher County jail employees failure to accommodate was intentional?

Answer "Yes" or "No."

Yes

**QUESTION NO. 3**

Do not answer this question unless you answered "Yes" to Question Nos. 1 and 2.

Did Plaintiffs prove by a preponderance of the evidence that Swisher County's failure to accommodate Terry Borum's disabilities caused his death?

Answer "Yes" or "No."

Yes

**Fourteenth Amendment violation based on an act or omission of a Swisher County employee**

**Inadequate medical care**

**QUESTION NO. 4**

Did Plaintiffs prove by a preponderance of the evidence that a Swisher County employee violated Terry Borum's constitutional rights by acting with deliberate indifference to Terry Borum's need for adequate medical care?

Answer "Yes" or "No."

Yes

**QUESTION NO. 5**

Do not answer this question unless you answered "Yes" to Question No. 4.

Did Plaintiffs prove by a preponderance of the evidence that Terry Borum's fall was a result of the employee's deliberate indifference to the need for adequate medical care?

Answer "Yes" or "No."

Yes

**QUESTION NO. 6**

Do not answer this question unless you answered "Yes" to Question Nos.4 and 5.

Did Plaintiffs prove by a preponderance of the evidence that the Swisher County employee's failure to provide adequate medical care was caused by a Swisher County policy or custom was adopted or maintained with deliberate indifference to Terry Borum's constitutional rights?

Answer "Yes" or "No."

Yes

**Inadequate nutrition**

**QUESTION NO. 7**

Did Plaintiffs prove by a preponderance of the evidence that a Swisher County employee violated Terry Borum's constitutional rights by acting with deliberate indifference to Terry Borum's need for adequate nutrition?

Answer "Yes" or "No."

No

**QUESTION NO. 8**

Do not answer this question unless you answered "Yes" to Question No. 7.

Did Plaintiffs prove by a preponderance of the evidence that Terry Borum's fall was as a result of the employee's deliberate indifference to Terry Borum's need for adequate nutrition?

Answer "Yes" or "No."

**QUESTION NO. 9**

Do not answer this question unless you answered "Yes" to Question Nos. 7 and 8.

Did Plaintiffs prove by a preponderance of the evidence that the Swisher County employee's failure to provide adequate nutrition was caused by a Swisher County policy or custom that was adopted or maintained with deliberate indifference to Terry Borum's constitutional rights?

Answer "Yes" or "No."

**Fourteenth Amendment violation based on the failure to train**

**QUESTION NO. 10**

Did Plaintiffs prove by a preponderance of the evidence that Swisher County had a policy or custom of failing to train or inadequately training jail employees regarding the dangers of alcohol withdrawal?

Answer "Yes" or "No."

Yes

**QUESTION NO. 11**

Do not answer this question unless you answered "Yes" to Question No.10.

Did Plaintiffs prove by a preponderance of the evidence that Swisher County was deliberately indifferent to the need for more training regarding the dangers of alcohol withdrawal?

Answer "Yes" or "No."

Yes

**QUESTION NO. 12**

Do not answer this question unless you answered "Yes" to Question Nos. 10 and 11.

Did the Plaintiffs prove by a preponderance of the evidence that Swisher County's policy or custom of failing to train or of inadequately training jail officials was the moving force that caused Terry Borum's fall?

Answer "Yes" or "No."

Yes

## Damages

Do not answer Question Nos. 13-16 unless **any one or more** of the following scenarios applies:

- (1) You answered “Yes” to Question Nos. 1, 2, and 3
- (2) You answered “Yes” to Question Nos. 4, 5, and 6
- (3) You answered “Yes” to Question Nos. 7, 8, and 9
- (4) You answered “Yes” to Question Nos. 10, 11, and 12

### (1) Plaintiff Chelsea Rushing

#### QUESTION NO. 13

What amount of money, if paid now in cash, would fairly and reasonably compensate Chelsea Rushing for the death of her father, Terry Borum?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include damages for one element in any other element. Do not include interest on any amount of damages you find. Answer in dollars and cents.

a. Chelsea Rushing’s past mental anguish: \$ 100,000

b. Chelsea Rushing’s future mental anguish: \$ 50,000

c. Chelsea Rushing’s past loss of companionship and affection of her father, Terry Borum: \$ 50,000

d. Chelsea Rushing’s future loss of companionship and affection of her father, Terry Borum: \$ 50,000

**(2) Plaintiff Justin Borum**

**QUESTION NO. 14**

What amount of money, if paid now in cash, would fairly and reasonably compensate Justin Borum for the death of his father, Terry Borum?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include damages for one element in any other element. Do not include interest on any amount of damages you find. Answer in dollars and cents.

a. Justin Borum's past mental anguish: \$ 100,000

b. Justin Borum's future mental anguish: \$ 50,000

c. Justin Borum's past loss of companionship and affection of his father, Terry Borum:

\$ 50,000

d. Justin Borum's future loss of companionship and affection of his father, Terry Borum:

\$ 50,000

**(3) Plaintiff Grady Borum**

**QUESTION NO. 15**

What amount of money, if paid now in cash, would fairly and reasonably compensate Grady Borum for the death of his son, Terry Borum?

Consider the elements of damages listed below and none other. Consider each element separately. Do not include damages for one element in any other element. Do not include interest on any amount of damages you find. Answer in dollars and cents.

a. Grady Borum's past mental anguish: \$ 100,000

b. Grady Borum's future mental anguish: \$ 100,000

c. Grady Borum's past loss of companionship and affection of his son, Terry Borum:

\$ 100,000

d. Grady Borum's future loss of companionship and affection of his son, Terry Borum:

\$ 100,000

**(4) Estate of Terry Borum**

**QUESTION NO. 16**

What amount of money, if paid now in cash, would fairly and reasonably compensate the Estate of Terry Borum for the injuries Terry Borum suffered from the time he entered the jail until his death?

Consider the element of damage listed below and none other. Do not include any amount for any condition that did not result from the incident in question. Do not include interest on any amount of damages you find. Answer in dollars and cents, if any.

a. Terry Borum's conscious pain and suffering: \$ 100,000